Application No. 09/585,263
Amendment In Support of RCE filed December 13, 2011
In response to Decision on Appeal of October 14, 2011
Atty Docket No.: 60136.0156USI1

REMARKS

In response to the Decision on Appeal of October 14, 2011, and in response to the Request for Continued Examination filed herewith, claims 1-14 have been canceled and new claims 15-18 have been added. Claims 15-18 are pending in the application.

In paragraph 3 on page 5 of the Final Office Action, claim 1 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks in view of Gordon.

In paragraph 4 on page 7 of the Final Office Action, claims 5 and 8 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks in view of Gordon and Miller.

In paragraph 5 on page 10 of the Office Action, claim 7 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks, Gordon, and Miller, and further in view of Hoarty.

In paragraph 6 on page 11 of the Office Action, claims 9 and 10 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks, Gordon, and Bolanos.

In paragraph 7 on page 14 of the Office Action, claim 13 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks, Gordon, and Bolanos.

In paragraph 8 on page 15 of the Office Action, claim 14 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks, Gordon, and MacInnis.

Applicant respectfully traverses the rejection.

Independent claim 15 sets forth generating, at a headend, a plurality of frame sequences of graphics and video to form an interactive program guide user interface, encoding, at a headend, the interactive program guide user interface to include an

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identifier for identifying the interactive program guide user interface, modulating, at a

headend, the encoded interactive program guide user interface to produce an interactive

program guide stream, combining, at the headend, the interactive program guide stream

and a broadcast bit stream representing audio and video of a broadcast program to form

a transport stream, transmitting the transport stream to a set top terminal via an in-band

content distribution network, in response to a selection signal providing an identifier for

identifying the interactive program guide user interface, extracting, at a set-top

terminal, the interactive program guide user interface associated with the identifier for

immediate presentation on a viewer's equipment, determining, at the set-top terminal, a

view action of moving a cursor to a lookahead time interval within the presented

interactive program guide user interface, in response to the determined view action,

sending a request from the set-top terminal to a session manager at the headend via a

bi-directional out-of-band channel for an interactive program guide page corresponding

to the determined view action, retrieving, at the headend, the interactive program guide

page corresponding to the determined view action, combining, at the headend, an

interactive program guide stream having the interactive program guide page

corresponding to the determined view action and a broadcast bit stream to form a

transport stream and transmitting the transport stream to the set top terminal for

extraction, at a set-top terminal, the interactive program guide user interface from the

interactive program guide stream having the interactive program guide page

corresponding to the determined view action to present the interactive program guide

page corresponding to the determined view action on the viewer's equipment.

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In contrast, Hendricks discloses storing the basic building blocks/templates of on-screen menu displays in graphics memory. A microprocessor locates the appropriate text required for a particular menu and retrieves it from the appropriate portion of memory. More specifically, the microprocessor is provided instructions in a screens data file for locating each graphics file that is needed. The microprocessor instructs the tuner to select a channel. The channel is decompressed, error corrected and decrypted. Video is scaled to the appropriate size for placement within a video window, and may be redirected to a portion of the television screen by creating a series of offsets for each pixel location of the video. Thus, the microprocessor has to fetch a background file, a logo file, and a menu display and cursor file from memory, decompress each and then combine the content of the files to produce a menu overlay. Once the microprocessor has generated the menu, the entire image is sent to the television screen for display.

Accordingly, Hendricks fails to disclose, teach or suggest generating, at a headend, a plurality of frame sequences of graphics and video to form an interactive program guide user interface. Rather, Hendricks sends all the necessary files to the set top box and a microprocessor assembles a guide menu at the set top box. ;

Hendricks also fails to disclose, teach or suggest encoding, at a headend, the interactive program guide user interface to include an identifier for identifying the interactive program guide user interface. Rather, Hendricks receives instructions that identify the location of each file that is stored in memory and that is required to produce

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the menu. Hendricks does not suggest providing an identifier for identifying an interactive program guide user interface in a transport stream.

Hendricks further fails to disclose, teach or suggest determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface. Hendricks does not mention determining a view action of moving cursor to a lookahead time interval within the presented interactive program guide user interface.

Hendricks further fails to disclose, teach or suggest sending a request to a session manager at the headend via a bi-directional out-of-band channel for an interactive program guide page corresponding to the determined view action and retrieving the interactive program guide page corresponding to the determined view action. Hendricks merely builds menus at the set top box. If more data is needed, Hendricks may download the data, but Hendricks does not request an interactive program guide page corresponding to the determined view action, nor does Hendricks suggest retrieving the interactive program guide page corresponding to the determined view action.

Thus, Hendricks fails to disclose, teach or suggest the invention as defined in independent claim 15.

Gordon fails to overcome the deficiencies of Hendricks. Gordon is merely cited as disclosing a system wherein downloaded graphics used in displaying overlays atop of video content are downloaded as bitmaps and elements on a display screen can be selectively masked and displayed. The Office Action states that Hendricks generates graphics at a headend and that Gordon teaches that graphics may be a bitmap.

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However, Gordon fails to disclose, teach or suggest generating, at a headend, a plurality of frame sequences of graphics and video to form an interactive program guide user interface. Rather, Gordon sends all the necessary files to the set top box and a microprocessor assembles a guide menu at the set top box. ;

Gordon also fails to disclose, teach or suggest encoding, at a headend, the interactive program guide user interface to include an identifier for identifying the interactive program guide user interface. Gordon does even mention providing an identifier for identifying an interactive program guide user interface in a transport stream.

Gordon further fails to disclose, teach or suggest determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface. Gordon does not mention determining a view action of moving cursor to a lookahead time interval within the presented interactive program guide user interface.

Gordon further fails to disclose, teach or suggest sending a request to a session manager at the headend via a bi-directional out-of-band channel for an interactive program guide page corresponding to the determined view action and retrieving the interactive program guide page corresponding to the determined view action.

Thus, Hendricks and Gordon, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

Miller fails to overcome the deficiencies of Hendricks and Gordon. Miller is merely cited as disclosing changing, at the set top terminal, the channel information window in response to a navigation command.

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However, Miller fails to disclose, teach or suggest generating, at a headend, a plurality of frame sequences of graphics and video to form an interactive program guide user interface. Rather, Miller sends all the necessary files to the set top box and a microprocessor assembles a guide menu at the set top box. ;

Miller also fails to disclose, teach or suggest encoding, at a headend, the interactive program guide user interface to include an identifier for identifying the interactive program guide user interface. Miller does even mention providing an identifier for identifying an interactive program guide user interface in a transport stream.

Miller further fails to disclose, teach or suggest determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface. Miller does not mention determining a view action of moving cursor to a lookahead time interval within the presented interactive program guide user interface.

Miller further fails to disclose, teach or suggest sending a request to a session manager at the headend via a bi-directional out-of-band channel for an interactive program guide page corresponding to the determined view action and retrieving the interactive program guide page corresponding to the determined view action.

Thus, Hendricks, Gordon and Miller, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

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Hoarty fails to overcome the deficiencies of Hendricks, Gordon and Miller. Hoarty is merely cited as disclosing that the particular broadcast video display is changed by generating, encoding, and transmitting video packet streams at the head end.

Hoarty fails to disclose, teach or suggest generating, at a headend, a plurality of frame sequences of graphics and video to form an interactive program guide user interface. Rather, Hoarty sends all the necessary files to the set top box and a microprocessor assembles a guide menu at the set top box. ;

Hoarty also fails to disclose, teach or suggest encoding, at a headend, the interactive program guide user interface to include an identifier for identifying the interactive program guide user interface. Hoarty does even mention providing an identifier for identifying an interactive program guide user interface in a transport stream.

Hoarty further fails to disclose, teach or suggest determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface. Hoarty does not mention determining a view action of moving cursor to a lookahead time interval within the presented interactive program guide user interface.

Hoarty further fails to disclose, teach or suggest sending a request to a session manager at the headend via a bi-directional out-of-band channel for an interactive program guide page corresponding to the determined view action and retrieving the interactive program guide page corresponding to the determined view action.

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Thus, Hendricks, Gordon, Miller and Hoarty, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

Bolanos fails to overcome the deficiencies of Hendricks, Gordon, Miller and Hoarty. Bolanos is merely cited as disclosing that a signal to activate a channel information window is received at the headend from the set top terminal.

However, Bolanos also fails to disclose, teach or suggest generating, at a headend, a plurality of frame sequences of graphics and video to form an interactive program guide user interface. Rather, Bolanos sends all the necessary files to the set top box and a microprocessor assembles a guide menu at the set top box. ;

Bolanos also fails to disclose, teach or suggest encoding, at a headend, the interactive program guide user interface to include an identifier for identifying the interactive program guide user interface. Bolanos does even mention providing an identifier for identifying an interactive program guide user interface in a transport stream.

Bolanos further fails to disclose, teach or suggest determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface. Bolanos does not mention determining a view action of moving cursor to a lookahead time interval within the presented interactive program guide user interface.

Bolanos further fails to disclose, teach or suggest sending a request to a session manager at the headend via a bi-directional out-of-band channel for an interactive program guide page corresponding to the determined view action and retrieving the interactive program guide page corresponding to the determined view action.

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Thus, Hendricks, Gordon, Miller, Hoarty and Bolanos, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

MacInnis fails to overcome the deficiencies of Hendricks, Gordon, Miller, Hoarty and Bolanos. MacInnis is merely cited as disclosing that data may be broadcast continually.

Nevertheless, MacInnis likewise fails to disclose, teach or suggest generating, at a headend, a plurality of frame sequences of graphics and video to form an interactive program guide user interface. Rather, MacInnis sends all the necessary files to the set top box and a microprocessor assembles a guide menu at the set top box. ;

MacInnis also fails to disclose, teach or suggest encoding, at a headend, the interactive program guide user interface to include an identifier for identifying the interactive program guide user interface. MacInnis does even mention providing an identifier for identifying an interactive program guide user interface in a transport stream.

MacInnis further fails to disclose, teach or suggest determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface. MacInnis does not mention determining a view action of moving cursor to a lookahead time interval within the presented interactive program guide user interface.

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MacInnis further fails to disclose, teach or suggest sending a request to a session manager at the headend via a bi-directional out-of-band channel for an interactive program guide page corresponding to the determined view action and retrieving the interactive program guide page corresponding to the determined view action.

Thus, Hendricks, Gordon, Miller, Hoarty, Bolanos and MacInnis, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claim 15.

Dependent claims 16-18 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claim 15. Further dependent claims 16-18 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 16-18 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No.

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13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly,

extension of time fees.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

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